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Aug 21, 2008

AUG 21 2008

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
Eastern DivisionMICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTLavenne Handison107 Devonshire Ct, #716547 CIVIL ACTION
(Name of the plaintiff or plaintiffs)

v.

NO.

(Case number will be supplied by the
assignment clerk)Cosi1751 Lake Cook Rd Suite 600Deerfield, IL 60015
(Name of the defendant or defendants)

08CV4766

JUDGE LEFKOW

MAGISTRATE JUDGE MASON

COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.

2. The plaintiff is Lavenne Handison of
the county of Will in the state of IL.3. The defendant is Cosi, whoresides at (street address) 1751 Lake Cook Rd Suite 600(city) Deerfield (county) Cook (state) IL (ZIP) 60015(Defendant's telephone number) (312) - 939 2674

4) The plaintiff sought employment or was employed by the defendant at

(street address) 28 E. Jackson

(city) Chicago (county) Cook (state) IL (ZIP code) 60604

5. The plaintiff [check one box]

- (a) ☐ was denied employment by the defendant.
 (b) ☐ was hired and is still employed by the defendant.
 (c) ☒ was employed but is no longer employed by the defendant.

6. The defendant discriminated against the plaintiff on or about, or beginning on or about,

(month) August (day) 12, (year) 2006

7. (a) The plaintiff [check one box] ☐ has not filed a charge or charges against the defendant
☒ has

asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

- (i) ☐ the United States Equal Employment Opportunity Commission on or about
 (month) November (day) 03 (year) 2006
 (ii) ☐ the Illinois Department of Human Rights on or about
 (month) _____ (day) _____ (year) _____

(b) If charges were filed with an agency indicated above, a copy of the charge is

attached. ☐ YES ☒ NO

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

8. (a) ☐ the United States Equal Employment Opportunity Commission has not issued a *Notice of Right to Sue*.

(b) ☒ the United States Equal Employment Opportunity Commission has issued a *Notice of Right to Sue*, which was received by the plaintiff on (month) May
 (day) 25 (year) 2008 a copy of which *Notice* is attached to this complaint.

9. The defendant discriminated against the plaintiff because of the plaintiff's [check all that apply]

- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☐ Disability (Americans with Disabilities Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☒ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)

10. The plaintiff is suing the defendant, a state or local government agency, for discrimination on the basis of race, color, or national origin (42 U.S.C. §1983).

☐ YES ☒ NO

11. Jurisdiction over the statutory violation alleged is conferred as follows: over Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); over 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; over the A.D.E.A. by 42 U.S.C. §12117.

12. The defendant [check all that apply]

- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- (c) ☐ failed to promote the plaintiff.
- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☒ other (specify): Failed to stop Discrimination
and retaliation

13. The facts supporting the plaintiff's claim of discrimination are as follows:

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.

15. The plaintiff demands that the case be tried by a jury.

☐

YES

☒

NO

16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check all that apply]

(a) ☐

Direct the defendant to hire the plaintiff.

(b) ☐

Direct the defendant to re-employ the plaintiff.

(c) ☐

Direct the defendant to promote the plaintiff.

(d) ☐

Find that the defendant failed to reasonably accommodate the plaintiff's religion.

(e) ☐

Find that the defendant failed to reasonably accommodate the plaintiff's disabilities.

(f) ☐

Direct the defendant to (specify):

(g) ☐

If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☒ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

(Plaintiff's name)

(Plaintiff's street address)

Laverne Handison

Laverne Handison

107 Devonshire

(City) Orte (State) IL (ZIP) 60417

(Plaintiff's telephone number)

708-672-1510

EEOC Form 161 (2/08)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Laverne D. Hardison**
107 Devonshire
Crete, IL 60417

From: **Chicago District Office**
500 West Madison St
Suite 2800
Chicago, IL 60661

CERTIFIED MAIL 7099 3400 0018 8814 9621



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.,

EEOC Representative

Telephone No.

440-2007-00785

Zelma Gonzalez,
Investigator Support Asst

(312) 886-4821

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fall to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans With Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosures(s)

John P. Rowe,
District Director

5/22/08
 (Date Mailed)

cc: COSI

EEOC Form 5 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

☐ FEPA☒ EEOC

440-2007-00785

Illinois Department Of Human Rights

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Ms. Laverne D. Hardison

Home Phone (Incl. Area Code)

(708) 367-0151

Date of Birth

08-26-1969

Street Address

City, State and ZIP Code

107 Devonshire, Crete, IL 60417

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

COSI

No. Employees, Members

15 - 100

Phone No. (Include Area Code)

(312) 939-2674

Street Address

City, State and ZIP Code

28 E. Jackson, Chicago, IL 60604

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN☒ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

07-2006**10-16-2006**☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I was hired by Respondent in or around June 2006. My most recent position was General Manager. During my training, I was subjected to different training standards than my non-Black co-workers in that I was not provided complete training and I was singled out. I complained to Respondent in or around August 2006 and October 2006. After I complained, I was subjected to different terms and conditions of employment than my non-Black co-workers in that I was not allowed to discipline a non-Black individual, I repeatedly asked for assistance in my store and repairs which were refused. On or about October 16, 2006, I was constructively discharged.

I believe I have been discriminated against because of my race, Black, and in retaliation for complaining of discrimination, in violation of Title VII of the Civil Rights Act of 1964 as amended.

RECEIVED EEOC

NOV 03 2006

CHICAGO DISTRICT OFC

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Nov 03, 2006

Date

Charging Party Signature

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)